(1)

SINGLE BENCH (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR [CG]

WRIT PETITION NO.3605 /2005

PETITIONER Heera Das Son of Mundariya Das, aged about 25 years, Occupation Agriculture, Resident of village Pandripani, Police Station-Bilaigarh, Tahsil Bilaigarh, District Raipur [CG]

P.R. No. 3705/05 Presented by Shri Pradhan Dated 1/8/05

VERSUS

RESPONDENTS :-

1] The State of Chhattisgarh, Through- The Secretary, Department of Home Mantralaya, D.K.S. Bhavan, Raipur [Chhattisgarh].

2] The Director General of Police, Civil Lines, Raipur, [C.G.].

3] The District Superintendent of Police, Raipur, Near Collectorate, Premises, Raipur, Chhattisgarh.

4] The Sub Divisional Officer, Police, Baloda Bazaar, District Raipur, Chhattisgarh.

5] The Station House officer, Police Station-Bilaigarh, District Raipur [C.G.].

6] Pavan Das, son of Budhu Das, aged about 30 years, Occupation - Agriculturist, Resident of village Pandripani, Tahsil Bilaigarh, District Raipur [C.G.].

RECEIVED TODAY 1.8.05 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS AND /OR NECESSARY ORDERS/ DIRECTIONS.

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... WP No. 3605/05 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1.9.2005

Shri M.D. Dhote, counsel for the petitioner.

Shri Sandeep Dubey, Govt. Adv. for the State.

Respondent No.5-Station House Officer, Police Station Bilaigarh is present in Court with the case diary.

The case of the petitioner is that deceased Budhwara Bai, wife of Late Shankar Das Manikpur, who was the Kotwar of Village Pandaripani and being the Kotwar was in possession of 4.13 acres of land and after the death of said Shankar Das Manikpur, deceased Budhwara Bai became the Kotwar of the Village, she was in possession of that land and cultivating the same. Further case of the petitioner is that respondent No.6 dispossesed Budhwara Bai from the said land two months before her death and also gave a threat to cause death of Budhwara Bai. On 6.8.2004 a report was lodged to the Collector, Raipur complaining the dispossession of land and the threat to cause her death. On 18.9.2004 at about 8.00 a.m. a girl of 11 years of age namely Kumari Bhuri visited the house of Budhwara Bai and saw that deadbody of Budhwara Bai was lying on the cot covered with shawl. On seeing this Kumari Bhuri informed Manik Das. In Para 5.4 of the petition it has been mentioned that injuries were found on the neck of Budhwara Bai and same was seen by Sunhar, Manik Das & Abdul Khan, therefore, the matter was reported to the Police Station Bilaigarh but no action has been taken. As such, respondent No.5 with the case diary was called.

Perusal of case diary shows that Sub Divisional Officer (Police) himself supervised the investigation and as per report he reached to the conclusion that no cognizable offence has taken place. Perusal of

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	post mortem report shows that no external or internal injury was found on the body of Budhwara Bai and the doctor has opined that it was a natural death. It also reveals from the record that Budhwara Bai retired from the post of Kotwar in the year 2002, thereafter, respondent No.6 was appointed as Kotwar, whereas the petitioner was also claiming the post of Kotwar and after becoming the Kotwar respondent No.6 came into possession of the said land. Therefore having perused the case diary, I am of the opinion that no case is made out for interference by this Court under Article 226 of the Constitution of India, the petition is liable to be dismissed and it is accordingly dismissed. However, the petitioner is at liberty to move before the appropriate Court for redressal of his grievances in accordance with law. **Sd/-** **L.C. Bhadoo** **Judge**	

Roshan/-